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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review*

Central African Republic

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CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	3
I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS	5 - 73	3
A. Presentation by the State under review	5 - 15	3
B. Interactive dialogue and responses by the State under review	16 - 73	5
II. CONCLUSIONS AND/OR RECOMMENDATIONS	74 - 76	15
III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW	77	24
Annex		
Composition of the delegation		25

Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of the Central African Republic was held at the 1st meeting, on 4 May 2009. The delegation was headed by Mr. Henri Maidou, former Vice-President of the Republic, Personal Adviser to the Head of State, Director for Human Rights and Good Governance and Presiding Officer for the follow-up to the inclusive political dialogue. At its 5th meeting, on 6 May 2009, the Working Group adopted the present report on the Central African Republic.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Central African Republic: Bolivia, Bosnia and Herzegovina and Gabon.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Central African Republic:
 - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/5/CAF/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/5/CAF/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/CAF/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Hungary, Latvia, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to the Central African Republic through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the first meeting, on 4 May 2009, Mr. Maidou thanked the members of the Human Rights Council for the special attention they were giving to the socio-political situation of the Central African Republic in general, and to the human rights situation in particular.
6. The drafting committee had been confronted with two obstacles in preparing the report: firstly, the country was in the throes of a military-political crisis which had paralysed all activities of State institutions; and secondly, the international financial crisis had made it even more difficult to raise funds to finance the committee's work. However, the determination of the President of the Republic and his commitment to human rights issues had enabled the report to be completed.

7. The delegation stressed the efforts made by the Government to improve the human rights situation, which were reflected in the measures taken in the social, security, institutional and legal fields.
8. In the social and security field, the delegation mentioned the regular payment of wages; the resolution of the military-political crisis which had led to the inclusive political dialogue at Bangui in December 2008, resulting in strong recommendations; the creation of a follow-up committee to ensure that the recommendations were fully implemented; the establishment of a permanent dialogue between the Government and the social partners (trade unions), with a view to the peaceful settlement of any possible social conflicts through a tripartite commission; and the restructuring of the armed forces and the programme for the demobilization, disarmament and reintegration of the former rebels pursuant to the inclusive political dialogue, all of which had restored confidence between the national army and the people.
9. The delegation stated that the deployment of the European Union military operation and the United Nations Mission in the Central African Republic and Chad in the north-east of the country had enabled refugees and displaced persons to return and had reassured the population of that area, affected by the acts of aggression of rebel forces between 2006 and 2007.
10. The Permanent Military Court had been revived, permitting the prompt trial of any human rights violation committed by the defence and security forces. Furthermore, there had been a substantial reduction in the number of hold-ups and armed robberies thanks to the demobilization, disarmament and reintegration programme conducted by the Government with the support of the international community.
11. In the institutional and legal field, the delegation stated that a new Constitution had been adopted on 27 December 2004, strengthening democracy through the establishment of the National Mediation Council and the Higher Council for Communication.
12. The delegation informed the Working Group of the adoption of a number of national and international legal instruments for the promotion and protection of human rights.
13. The Central African Republic was a State based on the rule of law which had increased its efforts to make the promotion and protection of human rights effective and visible throughout the national territory and had embarked upon the road to democracy with a united people determined to rebuild the country and strengthen peace and national unity.
14. However, the delegation emphasized that, given the country's limited means and capacity, the determination of the Government alone would not suffice to fulfil those commitments. It therefore called upon the international community to contribute to their realization.
15. Lastly, the Government was currently preparing the 2010 elections in the spirit of the relevant recommendation of the inclusive political dialogue. The delegation called for support from the international community in order to ensure the success of that process.

B. Interactive dialogue and responses by the State under review

16. During the interactive dialogue, 43 delegations made statements. A number praised the Central African Republic for its detailed and comprehensive national report, including a self-critical assessment, and for its commitment to the UPR process. Several delegations welcomed the voluntary commitments it had made. A number of delegations noted with great appreciation the poverty reduction strategy paper and the 2007-2011 National Action Plan to combat gender-based violence. The conduct of an inclusive political dialogue was also commended.

17. Algeria noted the State's commitment to consolidating peace and stability. Algeria recommended that the State (a) avail itself of technical assistance offered by OHCHR to submit its overdue reports, also sharing in this respect the recommendation of the Committee on the Elimination of Racial Discrimination (A/HRC/WG.6/5/CAF/2, para. 68); (b) consider implementing, with the assistance of OHCHR, a training and awareness-raising programme on international human rights and humanitarian law for members of the security forces, law enforcement officials and judicial officials; and (c) as stated by the Committee on the Rights of the Child, solicit and receive technical and financial assistance from the international community, particularly from United Nations bodies and programmes, to give tangible form to various sections of the poverty reduction strategy paper, especially restoration of security, consolidation of peace and prevention of conflict, promotion of good governance, reconstruction of the economy and diversification and development of human capital.

18. Brazil welcomed the Government's commitment to addressing gender-based and sexual violence; health policies; and educational measures for the integration of refugee children from neighbouring countries. Brazil sought elaboration on the National Action Plan, especially regarding genital mutilation and efforts to prevent discrimination against women in education. Brazil (a) proposed considering acceding to the Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment (CAT); (b) noted that efforts to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2) would be most welcomed; and (c) encouraged the Government to accomplish progressively the human rights goals set forth in Council resolution 9/12, in particular increased cooperation with all United Nations human rights mechanisms, including special procedures and treaty bodies. It called for international assistance in strengthening national institutions. It asked about measures to facilitate the return of internally displaced persons (IDPs) to their localities.

19. The Netherlands noted the challenges faced by the State, requiring the international community's support. It enquired about measures to uphold the rights of IDPs and refugees and improve prison conditions. Citing United Nations reports, it recommended (a) strengthening efforts to guarantee minimum conditions within police custody and detention centres in accordance with international standards, and following up the specific recommendations of United Nations bodies in this regard; (b) taking as soon as possible the necessary measures to safeguard the rights of IDPs and refugees, ensure protection of the civilian population in accordance with international standards and follow up on the specific recommendations in this regard of the Human Rights Committee and the Representative of the Secretary-General on the

human rights of internally displaced persons; and (c) taking further measures to combat maternal mortality and give specific follow-up to the recommendation of the Committee on the Rights of the Child's concerning the availability of free medical assistance to pregnant women.

20. Nigeria noted progressive reforms regarding the Criminal Procedure and Labour Codes, non-governmental organizations, women and girls, persons with disabilities and establishment of the national human rights commission. Nigeria recommended (a) continuing to strengthen its Court of Justice with a view to its carrying out its constitutional role without fear or favour; and (b) continuing its extensive reforms with a view to addressing institutional shortcomings and weaknesses, and developing an integrated agenda of human rights and public security as well as development agenda towards poverty and illiteracy eradication. It asked that international help be extended to strengthen national human rights institutions.

21. Djibouti welcomed, inter alia, initiatives leading to a national reconciliation plan; measures to combat interference in freedom of expression; efforts to promote the rights of vulnerable groups and the establishment of quotas in the civil service for persons with disabilities. It encouraged the Government to continue combating all forms of discrimination. Djibouti recommended considering ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC) and the Convention on the Political Rights of Women, and that the international community provide technical and financial support to allow the State to achieve the Millennium Development Goals (MDGs) and overcome economic difficulties exacerbated by the current financial crisis.

22. Italy commended the State for its de facto moratorium on executions. It recommended (a) seizing the opportunity raised by the ongoing review of the Penal Code to consider abolishing capital punishment and acceding to ICCPR-OP 2. Noting concerns expressed by the Human Rights Committee and the Committee on the Rights of the Child, Italy recommended (b) modifying legislative provisions that may discriminate against women and in particular speeding up the process of bringing the Family Code in line with international instruments; (c) enhancing awareness-raising campaigns to combat and eradicate female genital mutilation and other traditional practices harmful to young women; and (d) guaranteeing the right to education of all children and taking effective measures to substantially increase the rate of attendance in primary schools. Enrolment in primary education and the negative trend of attendance in primary schools caused concern.

23. Sweden appreciated the Government's commitment to human rights. It expressed concern about serious violations in the north between 2005 and mid-2007, when hundreds of civilians reportedly were summarily executed and thousands of homes destroyed. Sweden recommended that the Government increase efforts to investigate and prosecute the individuals known to be responsible for those violations; ensure that victims are guaranteed remedy, including the right to compensation and reparation; and continue efforts to improve the protection of the civilian population. Welcoming the law on reproductive health and efforts to mobilize public opinion against female genital mutilation, Sweden recommended prohibiting female genital mutilation and taking further steps to prevent and address the occurrence of the practice.

24. Portugal welcomed the ratification of most core international human rights treaties and recommended that the State consider signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) at the opening ceremony for signature in

New York in 2009. Appreciating that capital punishment had not been applied since 1981, it strongly recommended its abolition. It recommended ratification of ICCPR-OP 2 and that the revision of the Criminal Procedure and Criminal Codes be used to tackle the question of the death penalty. Concerned about persistent discrimination against women and regretting that polygamy had not been abolished, it highly recommended that the Family Code be brought into line with international instruments. It urged the Government to respond to the Human Rights Committee's request to submit information within one year on the follow-up to its recommendations in 2005 on female genital mutilation. It encouraged all rebel groups to release children serving in their ranks and to end further recruitment in accordance with international obligations.

25. France congratulated the State for signing the Declaration on sexual orientation and gender identity. France noted instances of extrajudicial execution of criminals and delinquents, gangland killings and a racketeering practice by members of the defence and security forces, and asked about measures to end impunity in that regard. France recommended that even if the death penalty had not been applied for many years, any reference to it should be removed from the penal code, as should the crime of witchcraft. Citing numerous reports of torture and ill-treatment in prisons and police stations, France said that those practices must end and the State should sign and ratify CAT and its Optional Protocol (OP-CAT). France recommended rapid accession to the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and rapid review of the Family Code to abrogate all discriminatory provisions against women.

26. Burkina Faso welcomed the Government's determination to respect international human rights commitments. It welcomed normative and institutional initiatives to guarantee women's rights. It recommended that the State continue efforts to ensure human rights, despite the variety of real constraints facing it, and that this effort be supported by OHCHR as well as the whole international community.

27. The United States of America asked about measures to prevent the recruitment and use of child soldiers in Government-sanctioned self-defence militias. It recommended that the Government (a) demonstrate its firm commitment to preventing the unlawful recruitment of child soldiers by directing the Ministry of the Interior to systematically monitor self-defence militias; and (b) prevent extrajudicial killings by members of the military, including the presidential guard, and bring to justice those members of the military responsible for extrajudicial killings.

28. Mexico asked the donor community to work with the State to identify key programmes to achieve stability and development. Mexico enquired about reforming the governance and electoral process and re-establishing the authority of the State and security in the provinces, especially in the north. Mexico recommended (a) extending an open and ongoing invitation to all human rights mechanisms to visit the country; (b) continuing national efforts in the area of disarmament, demobilization and reintegration and the reform of institutions involved in security and promotion of the rule of law; (c) ratifying CAT, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and CRC-OP-AC; and (d) taking all necessary measures to combat the recruitment and use of children in hostilities, including by releasing children associated with the conflict.

29. The Congo applauded progress, especially the return to peace. It encouraged the State in its efforts to create a society more respectful of human rights. It noted remarkable efforts, despite difficulties, to promote the rights of women, children, minorities, persons with disabilities and senior citizens. It cited the establishment of a follow-up committee and the implementation of CEDAW. It recommended continuing efforts to put a halt to banditry and help alleviate the suffering of its people by reforming its security services, and that the international community provide the necessary technical and financial assistance so that efforts undertaken for good governance are not compromised.

30. Slovenia, welcoming the priority given to children, was concerned by the reported lack of protection from violence, especially regarding sexual violence, genital mutilation, recruitment by armed forces and groups and accusations of witchcraft. Slovenia recommended taking appropriate action to adopt and amend domestic legislation, including the Penal Code, and effectively implementing that legislation to protect children from all forms of violence. Slovenia enquired about action to prevent violence and discrimination against women and girls and to criminalize genital mutilation. It recommended taking all appropriate action to end the impunity of perpetrators of human rights crimes and cooperate with the International Criminal Court in that regard.

31. Azerbaijan recommended accession to ICCPR-OP 2 and CAT. Citing the fighting between armed forces and rebels and the activities of illegal groups like “zaraguinas”, it recommended continuing to fight firmly against arbitrary executions and impunity, assuring the protection of the civilian population and promoting the return of refugees and displaced persons to their regions of origin. It called for active cooperation with United Nations special procedures. It recommended continuing to put in place effective strategies to reduce poverty, particularly in rural areas. Noting the low level of education of children and the illiteracy rates, it recommended implementing measures necessary to change the landscape in this area and promoting the reintegration of child soldiers in society. It encouraged continuation of efforts to combat violence against women and to eradicate negative traditions.

32. Turkey considered the new policy promoting gender equality as a significant initiative, adding that the State was eligible for assistance from the Peacebuilding Fund. Turkey recommended that the State consider ratifying CAT, OP-CEDAW and the Optional Protocols to the Convention on the Rights of the Child (CRC), make every effort to submit reports to treaty bodies in a timely fashion and increase its level of response to questionnaires sent by special procedures. Turkey encouraged cooperating with OHCHR in this respect. It asked about improving prison conditions.

33. Chad noted with satisfaction the State’s adherence to a number of international human rights instruments and its determination to work for human rights promotion and protection. It recommended the State continuing its efforts to incorporate provisions of international instruments in domestic legislation and becoming a party to international instruments to which it is not yet a party. It recommended that the international community support the State in improving its human rights situation through technical assistance as appropriate.

34. China appreciated poverty-reduction measures, economic reform, re-establishment of security, protection of vulnerable groups and the priority given to education. China suggested

that the State continue efforts to promote prosperity and stability and the enjoyment of social, economic and cultural rights, and adopt systematic measures to ensure the compliance of national laws with international human rights treaties. China called for technical and financial assistance from the international community to help the country achieve the MDGs.

35. Viet Nam appreciated efforts to establish a human rights protection framework, efforts towards dialogue and national reconciliation and the ratification of many human rights instruments and measures intended to better protect vulnerable groups. It recommended (a) according the greatest priority to measures aimed at better ensuring economic and social rights, particularly by devoting more resources to programmes to combat poverty and illiteracy, rates of which remain high in the country; and (b) intensifying measures to promote the rule of law while consolidating peace and stability through dialogue and national reconciliation mechanisms.

36. Norway, noting visits by several special procedures, recommended that a standing invitation be issued to all special procedures. It asked about measures to ensure that security forces fulfil their national and international law obligations, and follow-up on urgent appeals of the Special Representative of the Secretary-General on the situation of human rights defenders. Norway recommended that all reported human rights violations be investigated and that those responsible for such violations, including police officials and personnel within the security forces, be prosecuted and punished; that State authorities give human rights defenders legitimacy and recognition through supportive statements, and that defenders be protected in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. It welcomed reforms promoting press freedom, recommending that necessary steps be taken to ensure that journalists are able to operate without intimidation or interference.

37. Austria cited reports of the recent killings of civilians in Sokumba by members of the Presidential Guard, also responsible for human rights violations between 2005 and 2007. Commending its replacement with other forces in the north, it noted that some members presumed responsible had not been brought to justice yet. It recommended (a) immediate investigation of all cases of grave human rights violations and ending impunity of perpetrators; and (b) implementing the Guiding Principles on Internal Displacement, enacting a national law on internal displacement with provisions for protecting displaced children, effectively addressing the basic needs of persons affected by internal displacement, and taking every measure to ensure the protection of civilians. Deeply concerned about the forced recruitment of children and citing reports of frequent and systematic child abductions, Austria recommended (c) taking concrete measures to abolish self-defence militias, maintain order through regular security forces and facilitate the end of forced child recruitment by all armed groups; and (d) ratifying CRC-OP-AC.

38. Canada appreciated the cooperation of the State with the Peacebuilding Commission. It recommended that, in the context of reforming the security sector, the Government review training materials used by security forces in order to include child protection as a preventive measure against recruiting children into the armed forces. Acknowledging efforts to fight impunity, it recommended the adoption within domestic legislation of a law based on the Statute of the International Criminal Court, criminalizing war crimes, the crime of genocide and crimes against humanity in the Criminal and Military Justice Codes. Alarmed at the situation of refugees

and displaced persons, it recommended taking measures as necessary to ensure free circulation of humanitarian workers so that they may access these vulnerable populations. Canada recommended taking necessary measures to implement CEDAW, with emphasis on issues of violence and abuse based on gender.

39. Egypt commended efforts to promote human rights despite constraints. It hailed the progress and stability since the restoration of the country's institutions with the 2004 Constitution. Egypt sought elaboration on the challenges facing furtherance of human rights. It recommended continuing efforts to promote all universally agreed human rights and fundamental freedoms; continuing resisting attempts to enforce any values or standards beyond the universally agreed ones; and continuing exercising its sovereign right of implementing its penal code in conformity with universally agreed human rights standards, including the application of the death penalty.

40. The United Kingdom recommended taking tangible and concrete steps to conduct free and fair presidential elections without undue delay. Recognizing efforts to curb abuses, it recommended implementing a thorough training and awareness programme in international humanitarian and human rights law for members of the security forces. Hoping that steps would be taken to end the culture of impunity, including by publicly and unequivocally condemning abuses at the highest level, it recommended implementing legal sanctions against those who commit human rights abuses in the security forces, in addition to administrative sanctions such as dismissal; signing CAT and its Optional Protocol in order to provide a further disincentive against torture by the security forces and police; and amending the Penal Code to decriminalize witchcraft.

41. The delegation of the Central African Republic said that it had taken due note of the various questions raised and assured the Working Group that it would report back to the Government, so that it could find appropriate solutions to the problems of human rights violations.

42. On the question of women and children, the delegation stated that the Government was taking all necessary measures to guarantee the rights of women and limit the recruitment of children in armed forces. It also stated that the regular armed forces did not recruit children but the rebel forces did.

43. The delegation indicated that the process of ratifying the Convention against Torture was under way and that the instrument of ratification was due to be deposited. Ratification of the Optional Protocol would take place after ratification of the Convention itself.

44. Concerning special procedures, the delegation declared its Government's willingness to receive them, as it had done in recent years in the case of the Representative of the Secretary-General on human rights of internally displaced persons and the Special Rapporteur on extrajudicial, summary or arbitrary executions. It said that it was also cooperating with non-governmental organizations, including Human Rights Watch and Amnesty International.

45. With regard to impunity, notably impunity for members of the security forces and the Presidential Guard, the delegation stated that the Military Criminal Court had been active again since 2003. At one session it had examined at least 30 cases; and those responsible for crimes of

violence and armed assault or threatened armed assault were brought to justice and convicted. The delegation noted that the country was finding it difficult to enforce decisions of the military courts, in particular because prison officers who were military personnel connived with prisoners in their escapes. In that connection, the delegation stated that reform was currently under way to establish a corps of non-military prison officers. The delegation also referred to the shortage of judges and lawyers, which prevented justice from being rendered properly. It informed the Working Group of certain reforms, including the reform of the system of justice and the prison system, involving various ministries. Discussions were under way and strict time frames were being established. As an example, the delegation mentioned prison inspections and the establishment of a watchdog. Lastly, it stated that judgements had been handed down against persons responsible for abuses and violations and that the efforts undertaken since 2003 had led to a decline in the occurrence of certain offences.

46. With regard to the crime of witchcraft, the delegation said that that was a cultural problem; decriminalizing it would be impossible, since that would open the way for people to take the law into their own hands. Nevertheless, action could be taken on the severity of the penalties provided for by the Criminal Code.

47. With respect to the death penalty, the delegation indicated that it might be abolished under the reform of the Criminal Code in October or November 2009, particularly as it was no longer applied.

48. Concerning extrajudicial executions and racketeering, the delegation stated that various decisions had been taken regarding illegal roadblocks, which had been re-erected by a number of soldiers who had received prison sentences. In addition, military personnel responsible for extrajudicial executions had been brought to justice.

49. Morocco sought elaboration on the National Plan of Action 2007-2011, the Action Plan for Education 2003-2015 and the Poverty Reduction Strategy Paper. It sought elaboration on the establishment of a national committee to follow up on implementation of CRC. Morocco recommended that the international community give all necessary assistance to the State to strengthen its capacity, therefore supporting it in its actions, particularly to attain the MDGs.

50. The Democratic Republic of the Congo referred to the strong national legal framework and efforts to effectively combat poverty. It enquired about policies to address high illiteracy rates; results of the Poverty Reduction Strategy Paper; and achievements of the National Mediation Council. It encouraged the Government to continue its policy of national reconciliation and to implement the decisions of the inclusive political dialogue; give tangible form to their wish to refurbish the national human rights commission; and envisage ratifying the Convention on the Prevention and Punishment of the Crime of Genocide.

51. South Africa welcomed measures to restore the rule of law, particularly adoption of the constitution, review of the judicial system, establishment of a juvenile court, retraining of police and prison warders to support legal reforms and measures to fulfil human rights obligations in the socio-economic sphere and to tackle gender inequalities. It enquired about plans to submit outstanding treaty reports and measures to enable resettlement of IDPs; and asked for comments

on alleged torture and enforced disappearances. It encouraged the Government to continue collaborating with OHCHR and United Nations bodies and called upon the international community to provide capacity-building programmes and technical assistance.

52. Cote d'Ivoire applauded the substantial progress made despite challenges, including the programme to manage schools by local communities, efforts to welcome refugee children from neighbouring countries and the creation of tribunals for children in 2001. It recommended the Government seek from the international community, and especially from United Nations programmes and agencies, support with a view to strengthening, if not already available, capacity-building programmes and technical assistance, especially in human rights education, child labour, security, assistance to families and communities to help them fight the effects of poverty and HIV/AIDS, education and juvenile justice. It exhorted the State to deepen institutional reform to promote human rights, increase assistance to IDPs and prevent new displacements.

53. Spain recalled the primary responsibility of the State to guarantee security. It recommended (a) establishment of a national commission for human rights, with sufficient guarantees of independence and adequate material and human resources, which would work in close cooperation with the United Nations. Noting discrimination against women in the enjoyment of political rights and in education, Spain recommended (b) abolishing polygamy and adopting a plan to fight the scourge of female genital mutilation, criminalizing this practice and mobilizing public opinion against it, and adopting measures to reduce violence against women, both rape and domestic violence; (c) the definitive abolition of the death penalty; (d) speeding up measures to ensure reintegration into the community of minors giving up their weapons, making it possible to comply with the agreements undertaken by the Government and the Union of Democratic Forces for Unity with the United Nations; and (e) that these agreements be concluded and implemented in the case of other remaining irregular forces.

54. Germany enquired about actions to curb violence against women, especially female genital mutilation. It noted a prevalence of diseases like HIV/AIDS, malaria and tuberculosis, and asked about action taken. Stressing that IDPs often do not have access to adequate housing, infrastructure, education and the health system, Germany asked about strategies to improve their situation. Germany recommended that the State abolish the death penalty.

55. The Republic of Korea noted efforts to improve human rights despite challenges, the decriminalization of press offences in 2005 and introduction of juvenile courts in 2001. It remarked that the judicial system is undermined by arbitrary arrests, detention and delays in the administration of justice, and impunity for serious human rights violations. Although there was a significant decrease in extrajudicial executions by the armed forces in the north, concerns remained about the large number of enforced disappearances, summary executions and torture. It recommended (a) focusing attention more on the serious issues of combating impunity; that human rights violations should be systematically investigated and those responsible for such violations, without exception, should be prosecuted and punished; and (b) further strengthening cooperation with the international community, including OHCHR and treaty bodies.

56. Ghana, noting challenges, supported the Government's call to the international community to help strengthen its institutions. Ghana recommended that the Government speed up efforts to ensure the proper functioning of the National Human Rights Commission in accordance with the Paris Principles; and implement the recommendations made by the Human Rights Committee following its consideration of the country's periodic report.

57. Argentina encouraged the Central African Republic to continue the national dialogue and recommended taking all possible measures to ensure respect for and promotion of international human rights law, international humanitarian law and international law for refugees. It asked about results in preventing the recruitment of children. Noting with interest the creation of a National Human Rights Commission, it recommended adapting internal legislation to international standards in this area, including the Paris Principles. Argentina invited the State to consider ratifying CED and accepting the competence of the Committee on Enforced Disappearances. It recommended that it consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights, ICCPR-OP 2, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the Convention on the Political Rights of Women, the Convention Relating to the Status of Stateless Persons, the Convention on the Nationality of Married Women, international conventions on apartheid and the OP-CAT.

58. Belgium noted that cooperation with the United Nations, particularly the Peacebuilding Commission and the Working Group of the Security Council on children and armed conflict, was encouraging. It asked about Government follow-up to recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2008. Belgium recommended (a) the establishment of a permanent coordination structure for different security forces to consistently address various issues such as the training of the military and providing them with weapons; and that members of the security forces receive training in humanitarian and human rights law and that they follow a programme for gender awareness at all ranks; and (b) that members of the security forces suspected of violations of human rights or humanitarian law be rapidly handed over to justice for investigation and judgment. It encouraged severe vetting action linked to recruiting and promotion. It recommended (c) signing and ratifying CRC-OP-AC and implementing it nationally.

59. The Czech Republic recommended (a) ensuring comprehensive training and education for all security forces and prison staff in human rights and international humanitarian law, and adopting legal and other necessary measures to ensure their full accountability for any violations of these norms; (b) deletion of the crime of witchcraft from the penal code and the launching of wide education campaigns against the phenomenon of violence against perceived witches together with concrete measures to protect victims or potential victims of such attacks. Welcoming decriminalization of press offences, it recommended (c) adoption of further measures to ensure in practice protection of journalists against threats and attacks, including imprisonment in contravention of their right to freedom of expression. On upholding the principle of non-discrimination, particularly relating to women and minorities, including sexual minorities, it recommended (d) reviewing all relevant national legislation so that it complies fully with international instruments that prohibit all forms of discrimination.

60. Angola cited treaty body concerns about the lack of an appropriate legal framework, owing to a need to update the judicial system and customary practices that endanger children's rights, and about discrimination against girls. Angola enquired about steps to fulfil obligations under CRC, and how the international community could contribute. Angola recommended continuing applying strategies to reduce criminality, address sexual abuse and child trafficking and protect civilians from criminals.

61. Gabon noted major political troubles encountered and welcomed efforts to promote human rights in conformity with international commitments. Given the evolution of the State to one where citizens can enjoy fundamental rights, despite an international financial crisis, Gabon recommended to the international community, particularly OHCHR, to provide technical support in various areas to the country; and signing OP-ICESCR.

62. Japan applauded progress towards democratization and political stability; efforts to promote human rights and eliminate gender-based discrimination; and awareness-raising of human rights. Japan recommended that the State (a) continue to address reinstating of the rule of law through a fair and transparent electoral process and governance reform, reducing poverty which has caused worsening security, establishing basic infrastructure and creating jobs, with the support of the United Nations and the international community; (b) further work to improve women's political participation, educational opportunities and status in marriage relationships as well as to reduce the maternal mortality rate, one of the highest in the world; and (c) ratify in timely fashion the Optional Protocols to CRC.

63. Latvia welcomed the State's ratification of many human rights instruments, including the Rome Statute of the International Criminal Court. It recommended that the Government consider extending a standing invitation to all special procedures of the Human Rights Council.

64. Senegal noted with interest measures to improve the status of women, children and persons with disabilities. It welcomed the 10 per cent quota in the civil service for disabled persons and the bill on the protection of older persons. It cited concerns on poverty, illiteracy, education and certain human rights. It encouraged the authorities to stand firm in pursuing reforms to bridge gaps and meet security challenges, and to identify clearly the need for technical assistance.

65. Tunisia welcomed efforts to promote human rights, despite difficulties, particularly to combat poverty. It encouraged the State to continue implementing its poverty reduction strategy paper as a framework for dialogue and reference for all questions regarding national development policies. It noted with interest efforts to promote the rights of disabled persons and stated that adequate assistance by the international community is necessary to enable the State to meet the MDGs.

66. Cameroon, noting the post-conflict situation, encouraged the Government in eradicating road blocks, armed attacks and the proliferation of small weapons and advancing the rule of law, good governance and national reconciliation. Cameroon urged the international community to support the people of the country for a better future.

67. Bangladesh appreciated efforts to ensure greater access to education, health care, safe drinking water and sanitation. Noting treaty body concerns, it urged the international community to support efforts to implement the poverty reduction strategy paper and other national

development programmes. It recommended that (a) with the support of the international community, the State further strengthen the national security forces and law enforcement agencies through various capacity-building measures; and (b) with the assistance of the international community, it undertake a multipronged approach to improve the situation of children with greater focus on ensuring universal primary education, reducing infant and child mortality and rehabilitation of child combatants.

68. Concerning security, the delegation of the Central African Republic stated that a committee had been created and that the process of disarming the rebels was under way, which should result in greater security. In addition, barracks had been established to ensure the security of civilian populations.

69. Concerning schooling for girls, the delegation emphasized that that was a cultural problem, since girls were not automatically enrolled in school. However, the school enrolment rate for girls stood at 60 per cent and would increase as more schools were built.

70. The delegation said that awareness-raising campaigns were being conducted, notably by the United Nations Peacebuilding Support Office in the Central African Republic, which had organized human rights training courses for military and paramilitary staff.

71. The delegation further stated that efforts were being made to tackle HIV/AIDS, particularly among those infected, and that campaigns were currently being conducted by the World Health Organization.

72. With regard to violations of women's and children's rights, the delegation referred back to the assistance provided by international organizations in publicizing Act No. 06-032 among girls; women whose rights had been violated had also been informed of the Act. Information campaigns had also been conducted in prefectures. Training had been provided for paralegal personnel in order to help them in their fieldwork. Concerning the Convention on the Rights of the Child, the case had been made to the Government to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

73. As to displaced persons, the delegation indicated that measures had been taken to encourage many of them to return, thanks to the Food and Agriculture Organization and the Office of the United Nations High Commissioner for Refugees.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

74. **The recommendations formulated during the interactive dialogue have been examined by Central African Republic and the recommendations listed below enjoy the support of the Central African Republic:**

- 1. Consider ratifying the Convention on the Political Rights of Women (Argentina; Djibouti);**
- 2. Consider ratifying (Turkey) / Ratify (Mexico) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);**

- 3. Consider ratifying of the Convention on the Prevention and Punishment of the Crime of Genocide (Democratic Republic of the Congo);**
- 4. Ratify (Mexico, Austria) / Consider ratifying (Djibouti) / Sign and ratify (Belgium) the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict; and implement it nationally (Belgium);**
- 5. Consider ratifying (Turkey) / Timely ratify (Japan) the Optional Protocols to the CRC;**
- 6. Sign (Gabon) / Consider signing (Portugal) the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; at the opening for signature ceremony in New York in 2009 (Portugal);**
- 7. Continue efforts undertaken with a view to incorporating provisions of international instruments into domestic legislation and becoming a party to international instruments to which it is not yet a party (Chad);**
- 8. Continue to implement its poverty reduction strategy paper as a framework for dialogue and reference for all questions regarding national development policies (Tunisia);**
- 9. Continue to address reinstating of the rule of law through a fair and transparent electoral process and governance reform, reducing poverty which has caused worsening security, establishing basic infrastructure and creating jobs, with the support of the United Nations and the international community (Japan);**
- 10. With the support of the international community, further strengthen the national security forces and law enforcement agencies through various capacity-building measures (Bangladesh);**
- 11. Continue its extensive reforms with a view to addressing institutional shortcomings and weaknesses, and develop an integrated agenda of human rights and public security as well as the development agenda towards poverty and illiteracy eradication (Nigeria);**
- 12. Consider implementing, with the assistance of OHCHR, a training and awareness-raising programme on international human rights and humanitarian law for members of the security forces, law enforcement officials and judicial officials (Algeria);**
- 13. In the context of reforming the security sector, review training materials used by security forces in order to include child protection as a preventive measure against recruiting children in the armed forces (Canada);**

- 14. Implement a thorough training and awareness programme in international humanitarian and human rights law for members of the security forces (United Kingdom);**
- 15. Establish a permanent coordination structure for different security forces to consistently address various issues such as the training of the military and the provision of weapons to them; and ensure that members of the security forces receive training in humanitarian and human rights law and that they follow a programme for gender awareness at all ranks (Belgium);**
- 16. Ensure comprehensive training and education for all security forces and prison staff in human rights and international humanitarian law, and adopt legal and other necessary measures to ensure their full accountability for any violations of these norms (Czech Republic);**
- 17. Continue efforts to promote all universally agreed human rights and fundamental freedoms (Egypt);**
- 18. Continue resisting attempts to enforce any values or standards beyond the universally agreed ones (Egypt);**
- 19. Take all possible measures to ensure respect and promotion of international human rights law, international humanitarian law and international refugee law (Argentina);**
- 20. Further strengthen its cooperation with the international community, including OHCHR and treaty bodies (Republic of Korea);**
- 21. Implement the recommendations made by the Human Rights Committee following its consideration of the country's periodic report (Ghana);**
- 22. Progressively accomplish human rights goals as set forth in Human Rights Council resolution 9/12, in particular increased cooperation with all mechanisms of the United Nations human rights system, including special procedures and treaty bodies (Brazil);**
- 23. Further work to improve women's political participation, educational opportunities and status in marriage and to reduce the maternal mortality rate (Japan);**
- 24. Continue exercising its sovereign right of implementing its penal code in conformity with universally agreed human rights standards, including the application of the death penalty (Egypt);**
- 25. Continue to firmly fight arbitrary executions and impunity, assure the protection of the civilian population and promote the return of refugees and displaced persons to their regions of origin (Azerbaijan);**

- 26. Enhance awareness-raising campaigns to combat and eradicate female genital mutilation and other traditional practices harmful to young women (Italy);**
- 27. Continue efforts to combat violence against women and to eradicate negative traditions (Azerbaijan);**
- 28. Launch wide education campaigns against the phenomenon of violence against perceived witches together with concrete measures to protect victims or potential victims of such attacks (Czech Republic);**
- 29. Demonstrate firm commitment to preventing the unlawful recruitment of child soldiers by directing the Ministry of the Interior to systematically monitor self-defence militias (United States of America);**
- 30. Take all necessary measures to combat the recruitment and use of children in hostilities, including by releasing children associated with the conflict (Mexico);**
- 31. Take appropriate action to adopt and amend domestic legislation, including the Penal Code, and effectively implement this legislation to protect children from all forms of violence (Slovenia);**
- 32. Continue applying strategies to reduce criminality, address sexual abuse and child trafficking, and protect civilians from criminals (Angola);**
- 33. Continue efforts to put a halt to banditry and to help alleviate the suffering of its people by reforming its security services (Republic of the Congo);**
- 34. Strengthen efforts to guarantee minimum conditions for those held in police custody and detention centres in accordance with international standards, and follow up the specific recommendations of United Nations bodies in this regard (Netherlands);**
- 35. Continue strengthening its Court of Justice with a view to its carrying out its constitutional role without fear or favour (Nigeria);**
- 36. Take all appropriate action to end the impunity of perpetrators of human rights crimes and cooperate with the International Criminal Court in this regard (Slovenia);**
- 37. Ensure that all reported human rights violations are investigated and that those responsible for such violations, including police officials and personnel within the security forces, are prosecuted and punished (Norway);**
- 38. Immediately investigate all cases of grave human rights violations and end impunity of perpetrators (Austria);**
- 39. Implement legal sanctions against those who commit human rights abuses in the security forces, in addition to administrative sanctions such as dismissal (United Kingdom);**

40. **Focus its attention more on the serious issues of combating impunity; investigate human rights violations systematically and prosecute and punish those responsible for such violations, without exception (Republic of Korea);**
41. **Ensure that members of the security forces suspected of violations of human rights or humanitarian law be rapidly handed over to justice for investigation and judgment; severe vetting action linked to recruiting and promotion is encouraged (Belgium);**
42. **Continue national efforts in the area of disarmament, demobilization and reintegration and in the reform of institutions involved in security and promotion of the rule of law (Mexico);**
43. **Intensify measures to promote the rule of law while consolidating peace and stability through dialogue and national reconciliation mechanisms (Viet Nam);**
44. **Give human rights defenders legitimacy and recognition through supportive statements and ensure that they are protected in accordance with the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Norway);**
45. **Adopt further measures to ensure in practice the protection of journalists against threats and attacks, including imprisonment in contravention of their right to freedom of expression (Czech Republic);**
46. **Take tangible and concrete steps to conduct free and fair Presidential elections without undue delay (United Kingdom);**
47. **Continue its policy of national reconciliation and implement the decisions of the inclusive political dialogue (Democratic Republic of Congo);**
48. **Continue to put in place effective strategies to reduce poverty, particularly in rural areas (Azerbaijan);**
49. **Take further measures to combat maternal mortality and, among others, give specific follow-up to the recommendation of the Committee on the Rights of the Child concerning availability of free medical assistance to pregnant women (Netherlands);**
50. **With the assistance of the international community, undertake a multi-pronged approach to improve the situation of children with greater focus on ensuring universal primary education, reducing infant and child mortality and rehabilitating child combatants (Bangladesh);**
51. **Guarantee the right to education of all children and take effective measures to substantially increase the rate of attendance in primary schools (Italy);**

- 52. Given the low level of children's education and the illiteracy rates, implement measures necessary to change the landscape in this area and promote the reintegration of child soldiers in society (Azerbaijan);**
- 53. Accord the greatest priority to measures aimed at better ensuring the economic and social rights of its population, particularly by devoting more resources to programmes to combat poverty and illiteracy (Viet Nam);**
- 54. Take as soon as possible the necessary measures to safeguard the rights of internally displaced persons and refugees, ensure the protection of the civilian population in accordance with international standards and give follow-up to the specific recommendations in this regard of the Human Rights Committee and the Representative of the Secretary-General on human rights of internally displaced persons (Netherlands);**
- 55. Implement the Guiding Principles on Internal Displacement; enact a national law on internal displacement with provisions for protecting displaced children; effectively address the basic needs of persons affected by internal displacement; and take every measure to ensure the protection of civilians (Austria);**
- 56. Take measures as necessary to ensure free circulation of humanitarian workers so that they may access refugees and displaced persons (Canada);**
- 57. As recommended by CRC, solicit and receive technical and financial assistance from the international community, particularly from United Nations bodies and programmes, to give tangible form to various sections of the poverty reduction strategy paper, especially restoration of security, consolidation of peace and prevention of conflict, promotion of good governance, reconstruction of the economy and diversification and development of human capital (Algeria);**
- 58. Continue its efforts to ensure human rights, despite the variety of real constraints facing it, with the support of OHCHR and the whole international community (Burkina Faso);**
- 59. Seek from the international community, and especially from United Nations programmes and agencies, support for strengthening or, if not already available, for creating capacity-building and technical assistance programmes, especially in the areas of human rights education, child labour, security, assistance to families and communities in fighting the effects of poverty and HIV/AIDS, education and juvenile justice (Cote d'Ivoire);**
- 60. Seek technical and financial support from the international community to achieve the MDGs and overcome its economic difficulties exacerbated by the current financial crisis (Djibouti);**
- 61. Seek technical and financial support from the international community so that efforts undertaken for good governance are not compromised (Republic of the Congo);**

62. **Ask for further support from the international community to improve its human rights situation through technical assistance as appropriate (Chad);**
 63. **Ask the international community for assistance to strengthen its capacity, thereby supporting it in its actions, particularly to attain the MDGs (Morocco);**
 64. **Seek technical assistance in various areas from the international community, particularly OHCHR (Gabon);**
75. **The following recommendations will be examined by the Central African Republic, which will provide responses in due time. The responses to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session:**
1. **Consider acceding to (Brazil) / Accede to (Azerbaijan) / Consider ratifying (Turkey) / Ratify (Mexico) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);**
 2. **Sign (United Kingdom) / Sign and ratify (France) the CAT and its Optional Protocol (OP-CAT); in order to provide a further disincentive against torture by the security forces and police (United Kingdom);**
 3. **Rapidly accede to (France) / Consider ratifying (Argentina) the International Convention for the Protection of All Persons from Enforced Disappearance; and accept the competence of the Committee on Enforced Disappearances (Argentina);**
 4. **Ratify (Portugal) / Consider ratifying (Argentina) / Accede to (Azerbaijan) the Second Optional Protocol to the International Covenant on Civil and Political Rights Aimed at the Abolition of the Death Penalty (ICCPR-OP 2);**
 5. **Consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights; the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; the Convention relating to the Status of Stateless Persons; the Convention on the Nationality of Married Women; international conventions on apartheid; and OP-CAT (Argentina);**
 6. **Give tangible form to its wish to refurbish the National Human Rights Commission (Democratic Republic of the Congo);**
 7. **Establish a national commission for human rights, with sufficient guarantees of independence and adequate material and human resources, which would work in close cooperation with the United Nations (Spain);**
 8. **Speed up its efforts to ensure the proper functioning of the National Human Rights Commission in accordance with the Paris Principles (Ghana);**
 9. **Adapt internal legislation to international standards regarding national human rights institutions, including the Paris Principles (Argentina);**

- 10. Avail itself of technical assistance offered by OHCHR to submit its overdue reports (Algeria);**
- 11. Respond to the Human Rights Committee's request to submit information within one year on the follow-up given to its recommendations in 2005 on female genital mutilation (Portugal);**
- 12. Make every effort to submit the reports to the treaty bodies in a timely fashion; and increase its level of response to the questionnaires sent by special procedures (Turkey);**
- 13. Extend an open and ongoing invitation to all human rights mechanisms to visit the country (Mexico);**
- 14. Consider extending (Latvia)/ Issue (Norway) a standing invitation to all special procedures of the Human Rights Council;**
- 15. Cooperate actively with the special procedures of the United Nations (Azerbaijan);**
- 16. Review all national legislation relating to the principle of non-discrimination, particularly as it applies to women and minorities, including sexual minorities, so that it complies fully with international instruments that prohibit all forms of discrimination (Czech Republic);**
- 17. Modify legislative provisions that may discriminate against women and in particular speed up the process of bringing the Family Code in line with international instruments (Italy);**
- 18. Bring the Family Code in line with international instruments (Portugal);**
- 19. Rapidly review the Family Code to abrogate all discriminatory provisions against women (France);**
- 20. Make efforts to abolish the death penalty and to ratify ICCPR-OP 2 (Brazil);**
- 21. Seize the opportunity raised by the ongoing review of the Penal Code to consider abolishing capital punishment and acceding to ICCPR-OP 2 (Italy);**
- 22. Use the revision of the Criminal Procedure and Criminal Codes to tackle the question of the death penalty (Portugal);**
- 23. Remove any reference to the death penalty from the penal code (France);**
- 24. Abolish definitively the death penalty (Portugal, Germany, Spain);**
- 25. Prevent extrajudicial killings by members of the military, including the Presidential guard, and bring to justice those members of the military responsible for extrajudicial killings (United States);**

26. **Put an end to cases of torture and ill-treatment in prisons and police stations (France);**
 27. **Abolish polygamy and adopt a plan to fight the scourge of female genital mutilation, criminalizing this practice and mobilizing public opinion against it, and adopt measures to reduce violence against women, both rape and domestic violence (Spain);**
 28. **Prohibit female genital mutilation and take further steps to prevent and address the occurrence of female genital mutilation (Sweden);**
 29. **Take necessary measures to implement CEDAW, especially with emphasis on issues of violence and abuse based on gender (Canada);**
 30. **Remove any reference to the crime of witchcraft from the penal code (France); Amend the Penal Code to decriminalize witchcraft (United Kingdom); Delete the crime of witchcraft from the penal code (Czech Republic);**
 31. **Speed up measures to ensure reintegration into the community of minors giving up their weapons, making it possible to comply with the agreements undertaken by the Government and the Union of Democratic Forces for Unity with the United Nations; and conclude and implement these agreements in the case of other remaining irregular forces (Spain);**
 32. **Take concrete measures to abolish self-defence militias, to maintain order through regular security forces and to facilitate the end of forced child recruitment by all armed groups (Austria);**
 33. **Increase efforts to investigate and prosecute the individuals known to be responsible for the serious human rights violations that took place in the north of the Central African Republic between 2005 and mid-2007; ensure that victims are guaranteed remedy, including the right to compensation and reparation; and continue efforts to improve the protection of the civilian population (Sweden);**
 34. **Adopt within its domestic legislation a law based on the Statute of the International Criminal Court criminalizing war crimes, the crime of genocide and crimes against humanity in the Criminal and the Military Justice Codes (Canada);**
 35. **Take the necessary steps to ensure that journalists are able to operate without intimidation or interference (Norway).**
76. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW

77. During the presentation of its report, the Central African Republic made the following voluntary commitments:

- (a) Rehabilitation of the National Human Rights Commission by 2010 at the latest;
- (b) Ratification of International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries No. 169, of 27 June 1989, by the last quarter of 2009;
- (c) Preparation and adoption of the National Action Plan for the Promotion and Protection of Human Rights by 2010;
- (d) Adoption of new codes - the Criminal Code, the Code of Criminal Procedure and the Code of Military Justice - bills on which have been tabled in the National Assembly (last quarter of 2009);
- (e) Action to combat impunity for human rights violations, other economic crimes and similar offences.

Annex

COMPOSITION DE LA DELEGATION

La délégation de la République centrafricaine était dirigée Monsieur Henri MAIDOU, Ancien Vice-Président de la République, Conseiller Personnel du Chef d'Etat, Responsable des Droits de l'Homme et de la Bonne Gouvernance, Président de Suivi des Actes du Dialogue Politique Inclusif ; et était composée de cinq membres:

S.E. M. SAMBA Léopold Ismael, Ambassadeur de la République Centrafricaine auprès de l'Office des Nations Unies et des autres Organisations Internationales à Genève;

M. El hadj Abacar Dieudonné NYAKANDA, Haut Commissaire aux Droits de l'Homme et à la Bonne Gouvernance;

M. Basile DIBA, Chargé de Mission;

Mme Clara Annicette NZAPAOKO, Magistrat, Commissaire du Gouvernement près le Tribunal Militaire Permanent (TMP);

Mme Lydie-Euloge MBELET, Avocat.
